



HAHN LOESER & PARKS, LLP  
ONE GOJO PLAZA  
SUITE 300  
AKRON OH 44311-1076

**COPY MAILED**

**JAN 07 2005**

**OFFICE OF PETITIONS**

In re Application of :  
Bennie L. Farmer :  
Application No. 10/690,459 : DECISION ON PETITION  
Filed: October 20, 2003 :  
Attorney Docket No. 116897.00022 :  
:

This is a decision on the petition under 37 CFR 1.10(d), filed November 15, 2004, requesting that the above-identified application be accorded a filing date of October 20, 2003, rather than the presently accorded filing date of October 21, 2003.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited in the United States Postal Service (USPS) Express Mail Service on October 20, 2003, pursuant to the requirements of 37 CFR 1.10. Specifically, petitioner states that an Express Mail envelope (Label No. EV415640363), containing the application, was accepted by a United States Postal Service Courier on October 20, 2003, before the last scheduled pickup, at the offices of Hahn Loeser and Parks in Akron, Ohio. However, the date-in indicated on the label is October 21, 2003. The Express Mail Label No. EV415640363 was placed on the original application papers located in the official file.

In support, the present petition is accompanied by the Declaration of Ann Cooper, an Express Mail Supervisor at the USPS in Akron, Ohio. Ms. Cooper certifies that the correct mailing date for the Express Mail package bearing Label No. EV415640363, is October 20, 2003.

In view of the corroborating evidence of the USPS, it is concluded that the correct date of deposit in Express Mail service is October 20, 2003. Therefore, the application may be accorded a filing date of October 20, 2003.

The petition is **granted**. The \$130.00 petition fee is not necessary and will be refunded to Deposit Account No. 15-0450.

The application is being forwarded to the Office of Initial Patent Examination for **correction of the filing date to October 20, 2003, and the mailing of a corrected filing receipt.**

Telephone inquiries specific to this matter may be directed to the undersigned at (571) 272-3211.

*Christina Tartera Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions